

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JORDAN ALEXANDER WERK,

Defendant.

CR 19-82-GF-BMM-JTJ

**FINDINGS AND  
RECOMMENDATIONS**

**I. Synopsis**

Defendant Jordan Alexander Werk (Werk) has been accused of violating the conditions of his supervised release. Werk admitted all of the alleged violations. Werk's supervised release should be revoked. Werk should be placed in custody for 12 months and 1 day, with no supervised release to follow.

**II. Status**

Werk was convicted of Assault by Striking, Beating or Wounding; and Assault of a Dating Partner by Strangulation following a jury trial on January 31, 2020. (Doc. 55). The Court sentenced Werk to 28 months of custody, followed by 3 years of supervised release. (Doc. 70). Werk's current term of supervised release began on October 20, 2023. (Doc. 116 at 3).

## **Petition**

The United States Probation Office filed an Amended Petition on December 1, 2023, requesting that the Court revoke Werk's supervised release. (Doc. 116). The Amended Petition alleged that Werk had violated the conditions of his supervised release: 1) by failing to complete his 60-day inpatient drug treatment program; 2) by using methamphetamine; and 3) by failing to reside at a place approved by his probation officer.

## **Initial appearance**

Werk appeared before the undersigned for his initial appearance on the Amended Petition on December 5, 2023. Werk was represented by counsel. Werk stated that he had read the petition and that he understood the allegations. Werk waived his right to a preliminary hearing. The parties consented to proceed with the revocation hearing before the undersigned.

## **Revocation hearing**

The Court conducted a revocation hearing on December 5, 2023. Werk admitted that he had violated the conditions of his supervised release: 1) by failing to complete his 60-day inpatient drug treatment program; 2) by using methamphetamine; and 3) by failing to reside at a place approved by his probation officer. The violations are serious and warrant revocation of Werk's supervised

release.

Werk's violations are Grade C violations. Werk's criminal history category is I. Werk's underlying offenses are a Class A misdemeanor and a Class C felony. Werk could be incarcerated for up to 24 months. Werk could be ordered to remain on supervised release for up to 32 months, less any custody time imposed. The United States Sentencing Guidelines call for a term of custody of 3 to 9 months.

### **III. Analysis**

Werk's supervised release should be revoked. Werk should be incarcerated for 12 months and 1 day, with no supervised release to follow. This sentence is sufficient but not greater than necessary.

### **IV. Conclusion**

The Court informed Werk that the above sentence would be recommended to Chief United States District Judge Brian Morris. The Court also informed Werk of his right to object to these Findings and Recommendations within 14 days of their issuance. The Court explained to Werk that Judge Morris would consider a timely objection before making a final determination on whether to revoke his supervised release and what, if any, sanction to impose. Werk stated that he wished to waive his right to object to these Findings and Recommendations, and that he wished to waive his right to allocute before Judge Morris.

The Court **FINDS:**

That Jordan Alexander Werk violated the conditions of his supervised release: by failing to complete his 60-day inpatient drug treatment program; by using methamphetamine; and by failing to reside at a place approved by his probation officer.

The Court **RECOMMENDS:**

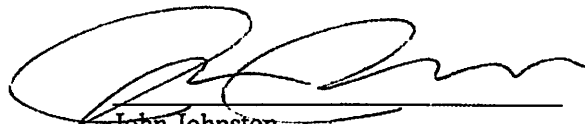
That the District Court revoke Werk's supervised release and commit Werk to the custody of the United States Bureau of Prisons for 12 months and 1 day, with no supervised release to follow.

**NOTICE OF RIGHT TO OBJECT TO FINDINGS AND  
RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO OBJECT**

The parties may serve and file written objections to the Findings and Recommendations within 14 days of their entry, as indicated on the Notice of Electronic Filing. 28 U.S.C. § 636(b)(1). A United States district court judge will make a de novo determination regarding any portion of the Findings and Recommendations to which objection is made. The district court judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the district court judge, and may waive the right to appear and allocute before a district court

judge.

DATED this 11th day of December, 2023.

A handwritten signature in black ink, appearing to read 'John Johnston', written over a horizontal line.

John Johnston  
United States Magistrate Judge